

**Court No. - 92**

**Case :-** APPLICATION U/S 482 No. - 28753 of 2016

**Applicant :-** Mohd. Abdul Salam @ Abdul Salam And 2 Others

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Ashok Kumar Singh Bais, Navin Kumar Srivastava

**Counsel for Opposite Party :-** G.A.

**Hon'ble Anish Kumar Gupta, J.**

1. Heard Sri Navin Kumar Srivastava, learned counsel for the applicants, Shri Deepak Singh, learned counsel for opposite party no.2 and Sri Prem Prakash Tiwari, learned AGA for the State.

2. The instant application under Section 482 Cr.P.C. has been filed for quashing of the charge-sheet No.22 of 2014 dated 12.11.2014, Sessions Trial No.165 of 2016, Case Crime No.178 of 2014 (State v. Abdul Salam and others), under Sections 147, 148, 286, 504, 506 I.P.C. and 3(1)10 SC/ST Act, Police Station Raksha, District Jhansi.

3. Learned counsel for the applicants submits that the instant case was filed due to property dispute between the parties and the parties have already arrived at a compromise vide compromise application dated 04.10.2016. On the basis of the said application, learned counsel for the applicants has prayed before this Court that the entire proceedings may be quashed in view of the law laid down by the Apex Court in the case of ***Gian Singh vs State Of Punjab, (2012) 10 SCC 303.***

4. Learned counsel for opposite party no.2, who is filed

Vakalatnama on behalf of opposite party no.2 today in the Court along with short counter affidavit, admits the compromise between the parties.

5. Vide order dated 05.10.2016, this Court has directed the parties to appear before the learned trial court for verification of the compromise.

6. Learned counsel for the applicants submits that in terms of the order dated 05.10.2016, the trial court vide order dated 18.10.2016 has verified the compromise between the parties and the proceedings against the other co-accused persons have already been quashed by this Court vide order dated 11.10.2017.

7. Since it was a property dispute between the parties which has been amicably settled between the parties which has been admitted by learned counsel for the opposite party no.2, the compromise between the parties has already been verified and the proceedings against the other co-accused persons have already been quashed by this Court.

8. In view of the compromise between the parties and in light of the Judgments of the Apex Court in the case of ***B.S.Joshi and Other vs. State of Haryana and Another : (2003)4 SCC 675, Nikhil Merchant vs. Central Bureau of Investigation : (2008) 9 SCC 677, Manoj Sharma vs. State and others : (2008) 16 SCC 1, Gian Singh vs State Of Punjab, (2012) 10 SCC 303 and Narinder Singh & Ors. vs. State of Punjab : (2014) 6 SCC 466***, the instant application deserves to be allowed as no purpose would be served by keeping the criminal prosecution pending

against the applicants similar situated which proceeding has already been quashed.

**9.** Therefore, the instant application deserves to be allowed and is hereby allowed and the entire proceedings of Sessions Trial No.165 of 2016, Case Crime No.178 of 2014 (State v. Abdul Salam and others), under Sections 147, 148, 286, 504, 506 I.P.C. and 3(1)10 SC/ST Act, Police Station Raksha, District Jhansi, is hereby quashed.

**Order Date :-** 8.11.2023

A.N. Mishra